

AMENDED IN SENATE APRIL 6, 2006

**SENATE BILL**

**No. 1420**

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**Introduced by Senator Runner**

February 22, 2006

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An act to add Section 6038 to the Penal Code, relating to ~~probation.~~  
~~probation, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1420, as amended, Runner. Probation: officers: funding.

~~This bill expresses legislative intent to provide funding for targeted priorities within adult probation services.~~

*Existing law authorizes the Corrections Standards Authority to establish standards and training rules for local probation officers.*

*This bill would require the Corrections Standards Authority to allocate state funds to counties to fund specified services provided by probation officers.*

*This bill would also require county probation officers to provide services, as specified, to targeted probationers, and, as such, would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions provide a procedure for paying this reimbursement.*

*This bill would appropriate an unspecified sum to the Corrections Standards Authority to allocate to local agencies and school districts for costs mandated by the state and incurred by them pursuant to this act.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~  
yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. The Legislature finds and declares the  
2 following:

3     (a) California is one of only two states where the primary  
4 funding for adult probation services comes exclusively from  
5 county general funds and offender fees. The State of California  
6 currently provides approximately three hundred million dollars  
7 annually for juvenile probation services.

8     (b) Probation departments in California provide probation  
9 services to over 400,000 probationers a year.

10    (c) More than 75 percent of these probationers are adults, and  
11 approximately 250,000 adult probationers have felony  
12 convictions.

13    (d) Nevertheless, less than 25 percent of funds allocated for  
14 probation services are designated for adult probation services.

15    (e) Probation departments must have stable and adequate  
16 funding to protect the public and ensure accountability and  
17 rehabilitation.

18    Therefore, it is the intent of the Legislature to provide funding  
19 for adult probation services for targeted priorities, such as the  
20 monitoring of sex offenders and other high-risk probationers.

21    SEC. 2. *Section 6038 is added to the Penal Code, to read:*

22    6038. (a) *Commencing July 1, 2007, the Corrections*  
23 *Standards Authority, shall administer and allocate funds*  
24 *appropriated for the purposes of this section.*

25    (b) *The Corrections Standards Authority shall administer the*  
26 *provisions of this section, including the establishment of*  
27 *agreements with all county probation departments that receive*  
28 *funding under this chapter. Each county board of supervisors*  
29 *shall authorize the agreements through a resolution.*

30    (c) (1) *Subject to the annual appropriation of funds from the*  
31 *General Fund by the Legislature to the Corrections Standards*  
32 *Authority, the Corrections Standards Authority shall be*  
33 *responsible for allocating funds to counties pursuant to*  
34 *paragraph (2) of this subdivision.*

35    (2) *Commencing with the 2007–08 fiscal year, the sum of*  
36 *\$\_\_\_\_\_ is appropriated from the General Fund to the Corrections*  
37 *Standards Authority for allocation to counties based on the*  
38 *allocation schedule specified in this subparagraph. In any year*

1 *in which the total amount appropriated by the Legislature for the*  
2 *purposes of this section differs from the total amount provided in*  
3 *the 2007–08 fiscal year, the amount appropriated shall be*  
4 *apportioned to counties based on the 2007–08 fiscal year*  
5 *allocation schedule. The 2007–08 allocation schedule shall use*  
6 *the same method of determining allocations to each county used*  
7 *in the 2005–2006 fiscal year to determine allocations of the*  
8 *Juvenile Justice Crime Prevention Act funds.*

9 *(d) (1) Subject to the availability of funds for the purposes*  
10 *described in this subdivision, funds provided pursuant to*  
11 *paragraphs (1) and (2) of subdivision (c) of this section may be*  
12 *used to serve adult probationers who are under the supervision*  
13 *of the probation officer of a county, or the subject of a warrant*  
14 *issued for violation or desertion of probation and are at risk of*  
15 *being sentenced to state prison. Funds may be used to serve*  
16 *family members of these adults if serving them will promote*  
17 *increased self-sufficiency, personal responsibility, and family*  
18 *stability for the adult. Services shall be provided pursuant to a*  
19 *service plan, based on a valid risk assessment tool. When the*  
20 *adult probationer or the probationer's family is served by*  
21 *multiple public agencies or in need of services from multiple*  
22 *public agencies, the family service plan shall be developed*  
23 *through an interdisciplinary approach that shall include*  
24 *representatives from the agencies providing services to the*  
25 *family or that may be required to implement the service plan.*

26 *(2) Services funded under this section shall be used to*  
27 *effectively target, identify, and supervise sex offenders, domestic*  
28 *and family violence offenders, child threat offenders and stalkers.*  
29 *The probation officer of a county shall identify evidence-based*  
30 *validated risk and needs assessments (RNAs) tools for the*  
31 *assessment of the targeted offenders and determine the most*  
32 *appropriate RNAs for use in the county. The probation officer of*  
33 *a county shall train employees of the probation department to*  
34 *use and administer the RNAs chosen by the probation officer.*  
35 *The probation officer or his or her designee shall administer the*  
36 *RNAs on all targeted offenders prior to sentencing when so*  
37 *ordered by the court and during the intake process when a*  
38 *targeted offender is granted probation in the county.*

39 *(3) The probation officer or his or her designee shall develop*  
40 *a case plan for each of the targeted offenders that is granted*

1 *probation in the county. The case plan shall be based on the*  
2 *results of the RNAs. The plan shall include measurable outcomes*  
3 *and the use of evidence-based probation services appropriate for*  
4 *the level of risk and needs identified by the RNAs and the*  
5 *restoration of the victim based on the principles of restorative*  
6 *justice.*

7 *(4) Services funded under this section may include, but are not*  
8 *limited to, the following services:*

9 *(A) Electronic monitoring including, but not limited to the use*  
10 *of Global Positioning Systems (GPS) to monitor probationers.*

11 *(B) The use of GPS to monitor targeted offenders determined*  
12 *through the administration of the RNAs to be at “high risk of*  
13 *reoffending.”*

14 *(C) Routine and unannounced home and employment*  
15 *compliance checks.*

16 *(D) Surveillance and “sting” operations.*

17 *(E) Warrant service and enforcement.*

18 *(F) Drug and alcohol testing and treatment.*

19 *(G) Polygraph testing.*

20 *(H) Mental health assessment and counseling.*

21 *(I) Educational advocacy and attendance monitoring.*

22 *(J) Social responsibility training.*

23 *(K) Family mentoring.*

24 *(L) Life skills counseling.*

25 *(M) Direct provision of, and referral to, prevocational and*  
26 *vocational training.*

27 *(N) Family crisis intervention.*

28 *(O) Individual, family, and group counseling.*

29 *(P) Parenting skills development.*

30 *(Q) Sex and health education.*

31 *(R) Anger management, violence prevention, and conflict*  
32 *resolution.*

33 *(S) Aftercare services for transition back into the community*  
34 *from custody and reintegrate into their families and the*  
35 *community.*

36 *(T) Information and referral regarding the availability of*  
37 *community services.*

38 *(U) Case management.*

39 *(V) Therapeutic day treatment.*

- 1     (W) *Transportation related to any of the services described in*  
2     *this subdivision.*
- 3     (X) *Emergency and temporary shelter.*
- 4     (Y) *Determine and collect restitution owed to victims of the*  
5     *targeted offenders.*
- 6     (Z) *Victim services for the restoration of victims and the*  
7     *victim's reintegration into the community.*
- 8     (aa) *Training of probation employees to administer RNAs and*  
9     *effectively supervise targeted offenders.*

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